

CPME0642304P

**State Intellectual Property Office, P.R. China**

Address : Receiving Section of the Chinese Patent Office, No. 6 Tusheng Road West, Haidian District, Beijing. Postal code: 100088

<b>Applicant</b>	NIPPON TELEGRAPH AND TELEPHONE CORPORATION		<b>Date of Issue</b>  September 26, 2008
<b>Agent</b>	China Patent Agent (H.K.) Ltd.		
<b>Patent Application No.</b>	200580002731.9	<b>Application Date</b> January 20, 2005	
<b>Title of Invention</b>	SCREWDRIVER DEVICE AND SCREW		

***Second Office Action***

1. ☒ The examiner has received the Observations, submitted by the applicant on Jun 17, 2008 in response to the \_\_\_\_ Office Action issued by the Patent Office, and on this basis continued to conduct examination as to substance of the captioned patent application.  
☐ On the basis of the Reexamination Decision made by the Reexamination Board of the Chinese Patent Office on \_\_\_\_, the examiner has continued to conduct examination as to substance of the captioned patent application.  
☐
2. Further examination has been conducted in the light of the following application document(s):  
☐ the amended application document(s) attached to the said observations.  
☒ the application document(s) at which the previous Office Action is directed, and the replacement sheet(s) of the amended application document(s) attached to the said Observations.  
☐ the application document(s) at which the previous Office Action is directed.  
☐ the application document(s) confirmed in the said Reexamination Decision.  
☐
3. ☐ In this Office Action no new reference documents have been cited.  
☒ The following reference document(s) is/are cited in this Office Action. (Its/Their serial number(s) shall come after those previously cited and will continue to be used throughout the examination procedure):

Serial No.	Number or Title(s) of Reference Document(s)	Date of Publication (or filing date of Interfering appl.)
4	CN1126874C /	Nov 5, 2003 /

4. Concluding comments of the examiner:

☐ On the description:

- ☐ The amendment to the description is not in conformity with the provision of Art. 33 of the Patent Law.
- ☐ The content of the application comes within the scope where no patent right shall be granted as prescribed in Art. 5 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 26, para. 3 of the Patent Law.
- ☐ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☒ On the claims:

- ☐ The amendment to Claim(s) \_\_\_\_\_ is not in conformity with the provision of Art. 33 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ come(s) within the scope where no patent right shall be granted as prescribed in Art. 25 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the definition of invention in Rule 2, para. 1 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ possess(es) no novelty as prescribed in Art. 22, para. 2 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ possess(es) no inventiveness as prescribed in Art. 22, para. 3 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ possess(es) no practical applicability as prescribed in Art. 22, para. 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Art. 26, para. 4 of the Patent Law.
- ☒ Claim(s) 1,13 is/are not in conformity with the provision of Art. 31, para. 1 of the Patent Law.
- ☒ Claim(s) 1-5,8 is/are not in conformity with the provisions of Rule 20 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Art. 9 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Rule 23 of the Implementing Regulations.

See the text portion of this Office Action for a detailed analysis of the above concluding comments.

5. In view of the above concluding comments, the examiner deems that
- ☐ the applicant should make amendment to the application document(s) according to the requirements raised in the text portion of this Office Action.
  - ☒ the applicant should expound in his/its observations the reason why the captioned patent application is patentable and make amendment to what is not in conformity with the provisions as pointed out in the text portion of this Office Action, otherwise the said application will be rejected.
  - ☐ the patent application has no substantive content(s) for which the patent right may be obtained, if the applicant has no sufficient reason to demonstrate that the captioned application may be granted a patent right, said the application will be rejected.

**6. The applicant should pay attention to the following matters:**

- (1) According to the provision of Art. 37 of the Patent Law, the applicant should submit his/its observations within two months from the date of receipt of this Office Action; if, without any justified reason(s), the time limit for making a response is not met, the said application shall be deemed to have been withdrawn.
- (2) The amendment(s) made by the applicant to the application should be in conformity with the provisions of Art. 33 of the Patent Law and Rule 51 of the Implementing Regulations thereof, the amended text should be in duplicate and its form should conform to the relevant provisions of the Guidelines for Examination.
- (3) The observations and/or amended text of the applicant should be submitted to the Receiving Section of the Chinese Patent Office by mail or by personal delivery, if not submitted Receiving Section by mail or by personal delivery, the document(s) will have no legal effect.
- (4) If no appointment is made in advance, the applicant and/or the agent shall not come to the Chinese Patent Office to hold an interview with the examiner.

7. This Office Action consists of the text portion totaling 2 page(s) and of the following attachment(s):

- ☒ 1 copy(copies) of the reference document(s) cited totaling 13 page(s).

Examination Dept. No. \_\_\_\_\_ Examiner \_\_\_\_\_  
2206

Your Ref: **OSP-20713 (3281CN)**

Our Ref: **CPME0642304P**

### **Text of the Second Office Action**

Application number: 2005800027319

The applicant filed the observations and the amended application documents on June 17, 2008. Having read the aforesaid documents, the Examiner proceeds with examination on the present case and hereby makes the following comments again:

**1. Claims 1-5 and 8 fail to fulfill the provision on clarity of Rule 20.1 of the Implementing Regulations of the Patent Law.**

Some comments on claims 1, 2 and 8 are omitted because they are related to clerical errors or literal matters, to which this Attorney will attend.

The "said piezoelectric element groups" recorded in claim 2 lacks antecedence. As a result, claim 2 fails to fulfill the provision of Rule 20.1 of the Implementing Regulations of the Patent Law.

The additional technical feature of claim 4 is "said device body is a Langevin type oscillator". However, it can be seen from the content recorded in claim 1 that the device body includes devices such as ultrasonic piezoelectric elements and vibration end surface. Then, how can it be a Langevin type oscillator? Besides, Langevin type oscillator, only one kind of ultrasonic oscillator, is a part of the device body. As a result, claim 4 is not clear and thus fails to fulfill the provision of Rule 20.1 of the Implementing Regulations of the Patent Law.

The "said male-type head section" recorded in claim 5 lacks antecedence. As a result, claim 5 is not clear and thus fails to fulfill the provision of Rule 20.1 of the Implementing Regulations of the Patent Law.

**2. Claims 1 and 13 do not have unity and thus fail to fulfill the provision on unity of Article 31.1 of the Patent Law.**

The same or corresponding technical features of claim 13 and claim 1 are "the top surface of said screw has a flat surface, said flat surface, corresponding to the frictional element of said screwdriver device, being formed of a flat round element free of male-type and female-type engraved markings". As to the aforesaid same or corresponding technical features, reference document 4 (CN1126874C) has disclosed a screw and, in particular, the following technical features (see line 5, page 8 to line 10, page 9 of the description and Figs.1 and 2). Namely, the flange 6 of said screw has a flat surface made of a flat round element free of male-type and female-type engraved markings. Besides, the technical feature, "corresponding to the frictional element of said screwdriver device", in claim 13 does not have any defining effect on the flat element of the top surface of said screw. Therefore, the same or corresponding technical features of claim 13 and claim 1 are the prior art in the art and thus cannot constitute the special technical features of claim 13 and claim 1. That is to say, claim 13 and claim 1 do not have any same or corresponding special technical features. Thus, it can be seen that claim 1 and claim 13 do not belong to one single general inventive concept, nor have unity, and thus fail to fulfill the provision of Article 31.1 of the Patent Law.

For the above reasons, the present application based on the current text cannot be granted the patent right yet. If the applicant makes amendments to the patent application documents according to the comments made herein to overcome the existing defects, the present application is likely to be granted the patent right. The amendments to the application documents shall comply with the provisions of Article 33 of the Patent Law and may not go beyond the scope of the disclosure contained in the original description and claims.

The amended documents to be submitted by the applicant should include: 1) a copy of the parts of the original to which amendments are made and on which pertinent addition, deletion or substitution shall be indicated with red pen or ball-pen; and 2) reprinted replacement sheets in duplicate for substituting the corresponding part of the original. The applicant should ensure that the two parts are consistent with one another in content.

The applicant can contact with the Examiner in response to this Office Action.

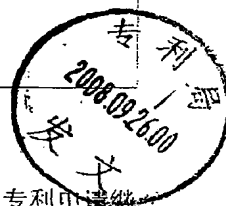


# 中华人民共和国国家知识产权局

100032 北京市西城区金融街 27 号投资广场 B 座 19 层 中国专利代理(香港)有限公司 温大鹏	发文日
申请号: 2005800027319	
申请人: 日本电信电话株式会社	
发明名称: 螺钉旋动装置及螺钉	

## 第 2 次审查意见通知书

0642304P



1. ☒ 审查员已收到申请人于 2008 年 6 月 17 日提交的意见陈述书, 在此基础上审查员对上述专利申请继续进行实质审查。

☐ 根据国家知识产权局专利复审委员会于 年 月 日作出的复审决定, 审查员对上述专利申请继续实质审查。

☐

2. ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条第 3 款的规定。

3. 继续审查是针对下述申请文件进行的:

☐ 上述意见陈述书中所附的经修改的申请文件。

☒ 前次审查意见通知书所针对的申请文件以及上述意见陈述书中所附的经修改的申请文件替换页。

☐ 前次审查意见通知书所针对的申请文件。

☐ 上述复审决定所确定的申请文件。

☐

4. ☐ 本通知书未引用新的对比文件。

☒ 本通知书引用下述对比文件(其编号续前, 并在今后的审查过程中继续沿用):

编号

文件号或名称

公开日期(或抵触申请的申请日)

4

CN1126874C

2003-11-5

5. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书的修改不符合专利法第 33 条的规定。

☐ 说明书的撰写不符合专利法实施细则第 18 条的规定。

☐

☒ 关于权利要求书:

☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。

☐ 权利要求 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求 不符合专利法第 26 条第 4 款的规定。

☒ 权利要求 1, 13 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 的修改不符合专利法第 33 条的规定。

☐ 权利要求 不符合专利法实施细则第 2 条第 1 款的规定。

☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

京办完成



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2006. 7



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

申请号 2005800027319

☒ 权利要求 1-5, 8 不符合专利法实施细则第 20 条的规定。

☐ 权利要求 不符合专利法实施细则第 21 条的规定。

☐ 权利要求 不符合专利法实施细则第 22 条的规定。

☐ 权利要求 不符合专利法实施细则第 23 条的规定。

☐

☐ 分案的申请不符合专利法实施细则第 43 条第 1 款的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其中请将被驳回。

☐

7. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的贰个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条和实施细则第 51 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 2 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 1 份 13 页。

☐

审查员: 李晓辉

2008 年 7 月 10 日

审查部门 审查协作中心

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2006.7



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(注: 凡寄给审查员个人的信函不具有法律效力)

## 第2次审查意见通知书正文

申请号：2005800027319

申请人于2008年6月17日提交了意见陈述书和经过修改后的申请文件，审查员在阅读了上述文件后，对本案继续审查，再次提出如下审查意见：

1、权利要求1-5, 8不满足专利法实施细则第二十条第一款有关清楚的规定。

权利要求1第4行中出现了多余的“、”，本领域技术人员不清楚该“、”与“和”之间是否还存在其他技术特征，因此，其导致了权利要求1的不清楚，不符合专利法实施细则第二十条第一款的规定。

同理，权利要求2中第2行中的“、”，权利要求3第3行中的“、”也分别导致了权利要求2和3的不清楚，不满足专利法实施细则第二十条第一款的规定。

权利要求2第3行中“所述压电元件组”，没有引用基础，导致权利要求2不满足专利法实施细则第二十条第一款的规定。

权利要求4附加技术特征“前述装置主体是兰杰文型振子”，而由权利要求1的记载的内容可知，装置主体包括：超声波压电元件，振动端面等装置，其如何能是兰杰文型振子？且兰杰文型振子仅仅是一种超声波振子，是装置主体的一部分，因此，其导致了权利要求4的不清楚，不满足专利法实施细则第二十条第一款的规定。

权利要求5中“前述凸形末端部”，没有引用基础，造成了权利要求5的不清楚，不满足专利法实施细则第二十条第一款的规定。

权利要求8第5行中“该虎钳机械部件”没有引用基础，导致了权利要求8的不清楚，不满足专利法实施细则第二十条第一款的规定。

2、权利要求1和13不具备单一性，不满足专利法第三十一条第一款规定的单一性。

权利要求13与权利要求1的相同或相应的技术特征为：该螺钉头的顶端面具有平坦面，所述平坦面是与前述螺钉旋动装置的摩擦件对应的、没有+、-刻印的圆形平坦要素构成；针对上述相同或相应的技术特征，对比文件4（CN1126874C）公开了一种螺钉，并具体公开了（参见说明书第8页第5行—第9页第10行，附图1，2）：该螺钉的凸缘6具有平坦面，没有+、-刻印的圆形平坦要素构成；而权利要求13中的技术特征“与前述螺钉旋动装置的摩擦件对应的”对该螺钉的顶端面的平坦要素并没有限定作用，因此，权利要求13与权利要求1的相同或相应的技术特征是本领域现有技术，其不能构成权利要求13和权利要求1的特定技术特征，也就是说：权利要求13和权利要求1之间不存在相同或者相应的特定技术特征，可见，权利要求1和13不属于一个总



的发明构思，不具备单一性，不满足专利法第三十一条第一款的规定。

基于上述理由，本申请按照目前的文本还不能被授予专利权。如果申请人按照本通知书提出的审查意见对申请文件进行修改，克服所存在的缺陷，则本申请可望被授予专利权。对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围。

申请人提交的修改文件应当包括：修改涉及部分的原文复印件，采用明显标记该复印件上标注出所作的增加、删除或替换；重新打印的替换页（一式两份），用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

申请人在答复本次审查意见通知书时可以联系审查员：01062413085

审查员：李晓辉

代码：925K